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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,445	BOTA, VICTOR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric A. Gates	3722	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment filed on 12 April 2006.
2. ☒ The allowed claim(s) is/are 13-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 April 2006 has been entered.

### ***Allowable Subject Matter***

2. Claims 13-17 are allowed.
3. The following is an examiner's statement of reasons for allowance:
  - a. Independent claim 13 sets forth a method for forming a duct member for use in an air handling system comprising the steps of: a) providing a tubular work piece having a generally constant diameter along the length of the tube; b) inserting the tubular work piece into an automatic adjustable duct machine and performing steps c) through i) without removing the tubular work piece from the automatic adjustable duct machine; c) clamping the bottom of the work piece; d) cutting and pre-forming the tubular work piece into a first work piece portion and a second work piece along a plane at an angle to a radial plane perpendicular to the longitudinal axis of the work piece; e) rotating the first work piece portion 180

degrees relative to the second work piece portion; f) adjustably connecting the first work piece member to the second work piece member; g) rotating the reconnected work piece 180 degrees; h) moving the work piece longitudinally to a second position; i) repeating steps d-f; j) releasing the clamped bottom of the work piece such that the work piece can be removed from the automatic adjustable duct machine.

b. The closest prior art of record is U.S. Patent 6,378,184 to Bota. Bota '184 teaches a method for manufacturing ducts in which a non-tapered tubular work piece 10 is provided (see column 4, lines 45-49); said work piece is positioned in an automated adjustable duct machine; said work piece is clamped using a clamp assembly 200; said tubular work piece is cut and positioned to form first and second work piece portions 12 and 14; a bead is formed between the two work piece portions to allow relative rotation and interlocking of the work piece portions; and the tubular work piece is unclamped to allow repositioning or removal from the machine. Bota '184 also discloses a mechanism which may be added to rotate the work piece 180 degrees and a positioning system to move the work piece to other predetermined longitudinal positions (such as another work station) for cutting and forming more coupling beads.

c. Bota '184 does not disclose "performing steps c) through i) without removing the tubular work piece from the automatic adjustable duct machine, as Bota '184 does not disclose the steps of "rotating the first work piece portion 180 degrees relative to the second work piece portion such that the first work piece

portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut", or "adjustably connecting the first work piece portion to the second work piece portion while the first work piece portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut" (see column 8, line 10 to column 9, line 16). Additionally, the method of Bota '184 requires that the work piece be removed from the machine after the beads are formed as shown in figure 4 and then the separate work piece portions manually rotated into the final configuration as shown in figure 5 (see column 4, line 66 to column 5, line 22).

d. Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of the Bota '184 or the other cited prior art, and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EAG  
18 April 2006



MONICA CARTER  
SUPERVISORY PATENT EXAMINER